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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

<p>JOHNSON &amp; JOHNSON HEALTH CARE SYSTEMS INC.,</p> <p>Plaintiff,</p> <p>v.</p> <p>SAVE ON SP, LLC,</p> <p>Defendant.</p>	<p>Civil Action No. 22-2632 (ES)(CLW)</p> <p><i>Document Electronically Filed</i></p> <p><b>DECLARATION OF E. EVANS WOHLFORTH, JR., ESQ., IN SUPPORT OF MOTION TO SEAL</b></p>
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I, E. Evans Wohlforth, Jr., submit this Declaration in support of Defendant Save On SP, LLC's ("SaveOnSP") Motion to Permanently Seal portions of JJHCS's Letter dated June 26,

2023 [ECF No. 123], Exhibit 2 to the letter in its entirety, and portions of the June 6, 2023 transcript [ECF 116].

1. I am an attorney duly authorized to practice law in the State of New Jersey and a member in good standing of the bar of this Court. I am a member of the law firm of Robinson & Cole, LLP, counsel for SaveOnSP.

2. I submit this Certification in accordance with Local Civil Rule 5.3 based upon my personal knowledge in support of the Motion to Seal. The information that SaveOnSP seeks to seal consists of SaveOnSP's confidential, internal information and communications about its business operations, strategies, and internal programs, which SaveOnSP asserts is proprietary business information.

3. In accordance with Local Civ. R. 5.3(c)(3), attached hereto as Appendix A is a table documenting all materials to be sealed, the nature of the materials to be sealed, the legitimate private or public interest which warrants the relief sought, the clearly defined and serious injury that would result if the relief sought is not granted; and why a less restrictive alternative to the relief sought is not available. In summary, the information that SaveOnSP seeks to protect from public disclosure is SaveOnSP's proprietary business information.

4. In accordance with Local Rule 5.3(c)(3)(f), this office contacted Plaintiff's counsel via e-mail to inquire as to Plaintiff's position on whether the materials that are the subject of this Motion should remain sealed. Plaintiff's counsel does not object to the relief sought in this instant motion.

5. Redacted versions of the documents containing SaveOnSP's confidential information are being filed with this Motion pursuant to Local Rule 5.3(c)(4), to ensure that the sealing is by the least restrictive means possible.

6. SaveOnSP asserts that it has a legitimate interest in maintaining the confidentiality of the redacted information contained in these documents and in avoiding the public disclosure of this information because it includes SaveOnSP's proprietary business information, the disclosure of which would grant SaveOnSP's business competitors an unfair competitive advantage. *See e.g., Rosario v. Doe*, No. CIV. 08-5185 RMB, 2013 WL 3283903, at \*2-3 (D.N.J. June 25, 2013) (Bumb, J.) (sealing records containing private medical information or proprietary information); *Goldenberg v. Indel, Inc.*, 2012 WL 15909, at \*3 (D.N.J. Jan. 3, 2012) (granting motion to seal "commercially sensitive and proprietary non-public business information"); *Bracco Diagnostics, Inc. v. Amersham Health Inc.*, 2007 WL 2085350, at \*9-10 (D.N.J. July 18, 2007) (granting motion to seal where the public availability of documents containing confidential business information would have put a party at a competitive disadvantage).

7. SaveOnSP further asserts that it has an interest in maintaining the confidentiality of the redacted information contained in the Letter [ECF No. 123], Exhibit 2 to the Letter, and the June 6, 2023 Transcript [ECF 116]. In the Letter, SaveOnSP seeks to redact information, pulled from SaveOnSP's confidential master program agreement. SaveOnSP seeks to permanently seal Exhibit 2, marked Confidential, which reflects SaveOnSP's Master Program Agreement with Express Scripts, Inc. in full. In the June 6, 2023 transcript, SaveOnSP seeks to redact a direct reference to the contents of SaveOnSP's confidential business plan, which contains SaveOnSP's business and financial strategies. The disclosure of this information would harm SaveOnSP by granting competitors and other industry participants unfair, direct insight into SaveOnSP's business and financial strategies, and thus should remain under seal.

*Goldenberg*, 2012 WL 15909, at \*4 (granting motion to seal “commercially sensitive and proprietary non-public business information”).

8. Accordingly, SaveOnSP respectfully requests that the Court seal the unredacted versions of the Letter, Exhibit 2 to the Letter, and the June 6, 2023 transcript. SaveOnSP submits that there is no less restrictive alternative available.

9. SaveOnSP respectfully submits that it has satisfied the criteria for sealing a judicial record set forth in Local Civil Rule 5.3. Accordingly, SaveOnSP requests that the Court grant its motion to seal materials.

10. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: September 22, 2023

By: s/ E. Evans Wohlforth, Jr.

E. Evans Wohlforth, Jr.

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